

REMARKS/ARGUMENTS

The Examiner's Action of August 17, 2005, has been received and reviewed by counsel for Assignee. In that Action claims 1-19 were presented for examination. All claims were rejected under 35 U.S.C. § 103 as obvious given *Boebert et al.* (U.S. 4,713,753) in view of *McCollum et al.* (U.S. 6,006,228). Certain claims were rejected under Section 103 as unpatentable in further view of a Digital Equipment publication.

By this response counsel has canceled all claims and submits herewith new claims 20-35. Claims 21-35 depend directly, or indirectly, from claim 20. Accordingly, the discussion below focuses on the patentable distinctions between claim 20 and the cited references. Claim 20 corresponds closely to former claim 1, but it has been rewritten to include certain features as discussed below, and to place it in better form.

New claim 20 consists of former claim 1, selected features from former claim 9, and some additional features not previously claimed. As will be explained, the combination of these features is believed to patentably distinguish the cited references. In particular, the invention as now claimed patentably distinguishes the *Scheidt et al.* reference (U.S. 6,754,820) which was cited against claim 9. The Examiner had commented on pages 8 and 9 of the Action that *Scheidt et al.* teaches an enciphering unit for enciphering a file if the file access to send the file to a storage unit is legal, and a deciphering unit for deciphering the file if the file access requesting an input of the file is legal.

In *Scheidt et al.* each of the enciphering and deciphering steps are done using keys contained in a user credential which is separately defined for each user. That is, the keys used for the encryption and decryption depend upon the user of the system. See, e.g., column 4, lines 14-19, where it is stated, "A user profile includes at least one credential, and each credential includes one or both of an asymmetric key pair: a credential public key (write authority), and a credential private key (access authority). The use of a particular credential can be write-only, access-only, or write and access authorized." This description means that the encryption technology is applied to multilevel access control for restricting accesses from users assigned relatively lower level rights in contrast to users assigned relatively higher level rights.

In contrast, the present invention uses the encryption technology for preventing the access control program or unit on the host operating system's side from being bypassed. This is described in the specification at page 28, lines 14-20, where it is stated:

"If a file access on the host OS side uses the access control program on the guest OS side (i.e., if the access control program on the host OS side is not bypassed), the application program 1021 can transparently access the enciphered file in the hard disk A1013 without being conscious of cryptography so long as the access is legal."

Thus, in Applicants' system, the key does not depend upon the user. These differences between *Scheidt et al.* and the present invention reflect that while *Scheidt et al.* uses asymmetric key algorithms and different keys for enciphering and deciphering, Applicants' system uses a symmetric key algorithm. See, e.g., page 27, lines 20-28. Accordingly, *Scheidt et al.* neither teaches nor suggests the feature of the present invention that at least one key information is created that is independent of the user, and that at least one key information is used by both the enciphering unit and the deciphering unit. As a result, *Scheidt et al.* does not teach any motivation for arriving at the present claimed invention. Because the limitations of claim 9 together with the use of a single key for both encrypting and decrypting have been explained as patentably distinct from the prior art, counsel believes the new claim 20 as now presented patentably distinguishes the art and should be allowable.

If the Examiner believes a telephone conference would expedite prosecution of this application, he is invited to telephone the undersigned at 650-324-6303 (direct).

Respectfully submitted,



Robert C. Colwell
Reg. No. 27,431

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 650-326-2400
Fax: 415-576-0300
RCC: mks
60705343 v1